

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*The County of Cuyahoga v. Purdue
Pharma L.P., et al.,*
Case No. 17-op-45004

and

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 18-op-45090.

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF JOHN J. HAGGERTY
IN SUPPORT OF NON-RICO SMALL DISTRIBUTORS' MOTION
FOR SUMMARY JUDGMENT BASED ON THEIR *DE MINIMIS* STATUS**

Pursuant to 28 U.S.C. § 1746, I, John J. Haggerty, declare as follows:

1. I am a partner at the law firm of Fox Rothschild LLP and counsel for Defendant Prescription Supply Inc. in the above-captioned cases.
2. I submit this declaration for the purpose of transmitting true and correct copies of exhibits to support the motion for summary judgment of Non-RICO Defendants Anda, Inc., H. D. Smith Holdings, LLC, H. D. Smith Holding Company, Henry Schein, Inc., Henry Schein Medical Systems, Inc., and Prescription Supply Inc. (collectively, the "Small Distributors") based on their *de minimis* status.
3. Attached as **Exhibit 1** is a true and correct copy of exhibits (McCann-3, McCann-12, McCann-14, McCann-15, McCann-16, McCann-17) and excerpts from the transcript of the

deposition of Craig McCann, Ph.D., which was held on May 9–10, 2019 in the above-captioned cases.

4. Attached as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the deposition of James Rafalski, which was held on May 13–14, 2019 in the above-captioned cases.

5. Attached as **Exhibit 3** is a true and correct copy of excerpts from the transcript of the deposition of David Egilman, M.D., which was held on April 25–26, 2019 in the above-captioned cases.

6. Attached as **Exhibit 4** is a true and correct copy of excerpts from the transcript of the deposition of Seth Whitelaw, Ph.D., which was held on May 16–17, 2019 in the above-captioned cases.

7. Attached as **Exhibit 5** is a true and correct copy of excerpts from Plaintiffs the County of Cuyahoga, Ohio and the State of Ohio *ex rel.* Prosecuting Attorney of Cuyahoga County, Michael O'Malley's First Amended Responses and Objections to Distributor Defendants' Third Set of Interrogatories, which were served in the above-captioned cases.

8. Attached as **Exhibit 6** is a true and correct copy of excerpts from Cuyahoga County's Supplemental Response and Objections to Distributor Defendants' Interrogatories, which was served in the above-captioned cases.

9. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 28th day of June 2019.

/s/ John J. Haggerty
John J. Haggerty (0073572)
FOX ROTHSCHILD LLP
2700 Kelly Road, Suite 300
Warrington, PA 18976
Tel: (215) 345-7500
Fax: (215) 345-7507
jhaggerty@foxrothschild.com

*Counsel for Defendant,
Prescription Supply Inc.*

CERTIFICATE OF SERVICE

I, John J. Haggerty, certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ John J. Haggerty
John J. Haggerty (0073572)